

## DEPARTMENT OF PLANNING

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**Douglas J. Schuetz**  
*Acting Commissioner*

**Arlene R. Miller**  
*Deputy Commissioner*

January 24, 2019

Haverstraw Village Planning Board  
40 New Main Street  
Haverstraw, NY 10927

**Tax Data:** 26.16-1-2

**Re: GENERAL MUNICIPAL LAW REVIEW:** Section 239 L and M

**Map Date:** 12/6/2013

**Date Review Received:** 12/27/2018

**Item:** *MOUNT REPOSE CEMETERY (VH-145)*

A site plan application for a 19,250 square foot expansion of an existing cemetery to create 717 additional grave sites on a 51 acre parcel in the SP zoning district. The proposal includes the leveling of slopes and the construction of retaining walls and approximately 8,000 square feet of access roadways. The southern side of the intersection of Westside Avenue (US Route 202) and Conger Avenue (US Route 9W).

### Reason for Referral:

Westside Avenue (US Route 202), Conger Avenue (US Route 9W), High Tor State Park, Long Path Trail

The County of Rockland Department of Planning has reviewed the above item. Acting under the terms of the above GML powers and those vested by the County of Rockland Charter, I, the Commissioner of Planning, hereby:

#### ***\*Recommend the following modifications***

- 1 A review shall be completed by the New York State Department of Transportation and any required permits obtained.
- 2 A review must be completed by the Palisades Interstate Park Commission and any comments or concerns addressed.
- 3 A review must be completed by the New York - New Jersey Trail Conference and any concerns addressed.
- 4 Prior to the start of construction or grading, all soil and erosion control measures must be in place for the site. These measures must meet the latest edition (November 2016) of the New York State Guidelines for Urban Erosion and Sediment Control.
- 5 There shall be no net increase in the peak rate of discharge from the site at all design points.

**MOUNT REPOSE CEMETERY (VH-145)**

6 The note on sheet 3 of the site plan indicates that 617 grave sites are proposed. The sum of the number of sites for each of the three subareas is 717. The note must be corrected.

7 Retaining walls that are over four (4) feet in vertical height shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.

8 The retaining wall on the northern side of subarea A is proposed to be seven feet tall and ranges from three to ten feet from the property line. In order to minimize the visual impact for visitors to the neighboring property, the site plan must be amended to add a landscaped buffer and for the grade changes to be terraced with two or more retaining walls.

9 Pursuant to General Municipal Law (GML) Section 239-m and 239-n, if any of the conditions of this GML review are overridden by the board, then the local land use board must file a report with the County Commissioner of Planning of the final action taken. If the final action is contrary to the recommendation of the Commissioner, the local land use board must state the reasons for such action.

10 In addition, pursuant to Executive Order 01-2017 signed by County Executive Day on May 22, 2017, County departments are prohibited from issuing a County permit, license, or approval until the report is filed with the County Commissioner of Planning. The applicant must provide to any County agency which has jurisdiction of the project: 1) a copy of the Commissioner report approving the proposed action; or 2) a copy of the Commissioner of Planning recommendations to modify or disapprove the proposed action, and a certified copy of the land use board statement overriding the recommendations to modify or disapprove, and the stated reasons for the land use board's override.

  
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Douglas J. Schuetz  
Acting Commissioner of Planning

cc: Mayor Michael Kohut, Haverstraw Village  
New York State Department of Transportation  
New York - New Jersey Trail Conference  
Palisades Interstate Park Commission  
  
Atzl, Nasher & Zigler P.C.

*\*NYS General Municipal Law Section 239 requires a vote of a 'majority plus one' of your agency to act contrary to the above findings.*

*The review undertaken by the Rockland County Planning Department is pursuant to, and follows the mandates of Article 12-B of the New York General Municipal Law. Under Article 12-B the County of Rockland does not render opinions, nor does it make determinations, whether the item reviewed implicates the Religious Land Use and Institutionalized Persons Act. The Rockland County Planning Department defers to the municipality forwarding the item reviewed to render such opinions and make such determinations if appropriate under the circumstances.*

*In this respect, municipalities are advised that under the Religious Land Use and Institutionalized Persons Act, the preemptive force of any provision of the Act may be avoided (1) by changing a policy or practice that may result in a substantial burden on religious exercise, (2) by retaining a policy or practice and exempting the substantially burdened religious exercise, (3) by providing exemptions from a policy or practice for applications that substantially burden religious exercise, or (4) by any other means that eliminates the substantial burden.*

*Proponents of projects are advised to apply for variances, special permits or exceptions, hardship approval or other relief.*

*Pursuant to New York State General Municipal Law §239-m(6), the referring body shall file a report of final action it has taken with the Rockland County Department of Planning within thirty (30) days after final action. A referring body which acts contrary to a recommendation of modification or disapproval of a proposed action shall set forth the reasons for the contrary action in such report.*